

## **REMARKS**

Claims 24-35 were pending and under consideration. With this Amendment and Response, claims 24, 27 and 31 have been cancelled. After entry of the instant amendment, claims 25-26, 28-30 and 32-35 stand pending and under consideration. Applicants disagree with the PTO's rejections in the final Office Action mailed October 15, 2003, however merely to expedite prosecution and passage of the claims to allowance, Applicants submit the following amendments.

### **I. THE AMENDMENT OF CLAIM 25**

Applicants have amended claim 25 to recite an isolated DNA sequence encoding SEQ ID NO:11. Support for amended claim 25 can be found in the specification, for example, at page 8, lines 1 to 10; page 9, lines 5 to 9 and in claim 8 as originally filed. Applicants submit that amended claim 25 places the claims in condition for allowance and respectfully request that the amendment be entered.

### **II. THE REJECTION UNDER 35 U.S.C. § 101**

Claim 24 stands rejected under 35 U.S.C. § 101. Claim 24 has been cancelled rendering the rejection moot. Applicants respectfully request that the rejection be withdrawn.

### **III. THE REJECTIONS UNDER 35 U.S.C. § 112**

Claims 24, 27 and 31 stand rejected under 35 U.S.C. § 112, second and first paragraphs. Claims 24, 27 and 31 have been cancelled rendering the rejections moot. Applicants respectfully request that the rejections be withdrawn.


### CONCLUSION

Applicants submit that claims 25-26, 28-30 and 32-35 satisfy all the criteria for patentability and are in condition for allowance. An early indication of the same is therefore kindly solicited.

Applicants believe no fee is due with this response. However, pursuant to 37 C.F.R. §1.136 (a)(3), the Commissioner is authorized to charge all required fees, fees under 37 C.F.R. §1.17 and all required extension of time fees, or credit any overpayment, to Pennie & Edmonds LLP, U.S. Deposit Account No. 16-1150 (Order No. 1803-332-999).

Respectfully submitted,

Date: December 15, 2003

  
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